

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROBERT BALES and)	
DANIELLE BALES,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-22-851-D
)	
STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	
Defendant.)	

ORDER STRIKING BRIEF AND DIRECTING AMENDED FILING

Currently pending before the Court is Defendant’s Motion for Summary Judgment [Doc. No. 33], which appears to be fully briefed. Upon closer examination, however, the Court finds that Plaintiffs’ Response [Doc. No. 36] fails to comply with LCvR56.1 and, further, that the noncompliance should not be excused.

Specifically, Plaintiffs do not begin their brief in opposition to Defendant’s Motion with a section responding to the facts that Defendant contends are undisputed, followed by a statement of “additional facts” that Plaintiffs contend preclude summary judgment. *See* LCvR56.1(c). Plaintiffs instead begin their brief by stating their version of relevant facts, followed by argumentative responses to Defendant’s facts that lack citations to evidentiary materials as required by LCvR56.1(d) and instead refer generally to “Plaintiffs’ fact section.” *See* Pls.’ Resp. Br. at 17-20. This improper briefing practice frustrates the Court’s ability to determine whether a genuine dispute of material facts exists and is unacceptable.

IT IS THEREFORE ORDERED that Plaintiffs' Response to Defendant's Motion for Summary Judgment [Doc. No. 36] is **STRICKEN** from the record. Plaintiffs may file an amended response brief that complies with LCvR56.1(c) and (d) within 14 days from the date of this Order. Defendant may reply to Plaintiffs' amended brief, if appropriate, within 7 days thereafter.

IT IS SO ORDERED this 25th day of October, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge